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HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) No. 2064 of 2007

Single Bench:Hon'ble Shri Satish K. Agnihotri, J.

Petitioner : M/S MILLANIUM BHILAI TRADERS PRIVATE LIMITED, Registered Office- Office-B-34, Akash Ganga Complex, Supela, Bhilai, Tah. & Distt. Durg (C.G.) Through - Rajesh Dhody, Director, aged about 49 years, R/o 4, Malviya Nagar, Durg, Tah. & Distt. Durg (C.G.)

Versus

Respondents

1. Municipal Corporation Supela Bhilai. Tah. & Distt. Durg (C.G.) Through - Commissioner.
2. District Registrar and Collector of Stamps, Durg Tah. & Distt. (C.G.)
3. Smt. S.B. Ahmed W/O Shri Bashir Ahmed, Proprietor, Taj Enterprises R/o 10, Ayeppa Nagar, Bhilai, Tah. & Distt. Durg (C.G.)
4. Mr. Mushtaq Ahmed Aged about 39 years, S/o Mr. Bashir Ahmed, R/o 10 Ayeppa Nagar, Bhilai, Tah. & Distt. Durg (C.G.)

Present: Mr. V.G. Tamaskar, Advocate for the petitioner.
Ms. Deepali Pandey, Panel Lawyer for the State.

ORDER

(Passed on 5th Day of April, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner has filed an application before the Deputy Registrar under the provisions of the Registration Act, 1908 for registration of Memorandum of understanding (MOU) between petitioner Company and the respondents No. 3 and 4.

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2. The District Registrar, Durg vide letter dated 25.01.2007 (Annexure P-12) has declined to register the same with an observation that the said documents can be produced before the Sub Registrar for registration and in case the Sub-Registrar finds that the Stamp duty paid is lesser than the required amount, the Sub-Registrar, after realizing the appropriate Stamp Duty, can register the Memorandum of understanding (MOU).

3. Being aggrieved, the petitioner has filed this petition. Section 28 of the Registration Act, 1908 which clearly provides that every document mentioned in section 17, sub-section (1), clauses (a), (b), (c) [2][, (d) and (e), section 17, sub-section (2), insofar as such document affects immovable property,] and section 18, clauses (a), (b) [3][(c) and (cc),] shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or some portion of the property to which such document relates is situate.

4. The order passed by the District Registrar is perfectly valid and in accordance with the provisions of law. I do not find any merits in the case. Thus, the writ petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash